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[INSERT NAME]  
Assistant District Attorney

[INSERT DATE]

[INSERT D/C INFO]

Re: [INSERT CASE NAME]  
Kings County Dkt./Ind. No. [#####]

In connection with the above-named case, the People voluntarily provide the following information regarding:

MOS NAME: Francisco Pena

MOS TAX: [REDACTED]

in satisfaction (to the extent applicable) of their constitutional, statutory, and ethical obligations. Further, the People reserve the right to move in limine to preclude reference to this information, or otherwise to object to its use and/or introduction into evidence.

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**Disclosure # 1:**

MOS ENTERED A PLEA OF GUILTY TO THE FOLLOWING DISCIPLINARY CHARGES ARISING OUT OF AN INCIDENT ON 08/22/1998:

**ALLEGATIONS:**

1. MOS, WHILE OFF DUTY, ENGAGED IN CONDUCT PREJUDICIAL TO THE GOOD OF THE DEPARTMENT, TO WIT: HAVING AN UNKNOWN QUANTITY OF AN INTOXICANT
2. MOS, WHILE OFF DUTY, WAS UNFIT FOR DUTY, TO WIT: HAVING AN UNKNOWN QUANTITY OF AN INTOXICANT

PENALTY: SUSPENSION FOR ELEVEN (11) DAYS AND FORFEITURE OF FOUR (4) VACATION DAYS

**Disclosure # 2:**

THE NYPD SUBSTANTIATED THE FOLLOWING ALLEGATION DATED 2-4-08 AGAINST MOS PENA:

ALLEGATION: FAIL TO NOTIFY IAB – IN REGARDS TO A PRISONER MAKING AN ALLEGATION OF NOT RECEIVING A PROPERTY RECEIPT

CASE CLOSED: 9/16/09

**Disclosure # 3:**

NYPD ENTERED A PLEA OF GUILTY AGAINST MOS ON ALL THE FOLLOWING DISCIPLINARY CHARGES ARISING FROM A MAY 8, 2009 INCIDENT, WHICH OCCURRED WHILE MOS WAS ON DUTY AND ASSIGNED TO THE NARCOTICS BOROUGH BRONX:

**ALLEGATIONS:**

1. MOS, HAVING BEEN ASSIGNED THE ARREST OF AN INDIVIDUAL KNOWN TO THE DEPARTMENT CHARGED WITH FELONY NARCOTICS OFFENSES, WITH INTENT TO DEFRAUD, OMITTED TO MAKE A TRUE ENTRY IN THE BUSINESS RECORDS OF AN ENTERPRISE IN VIOLATION OF A DUTY TO DO SO WHICH HE KNEW TO BE IMPOSED UPON HIM BY LAW BY THE NATURE OF HIS POSITION, IN THAT SAID MOS SIGNED A CRIMINAL COURT COMPLAINT PREPARED BY AN ASSISTANT DISTRICT ATTORNEY TO BE FILED WITH THE NEW YORK STATE COURTS CONTAINING STATEMENTS AND ALLEGATIONS HE KNEW TO BE

FALSE RELATED TO SAID ARREST.

2. MOS, HAVING BEEN ASSIGNED THE ARREST OF AN INDIVIDUAL KNOWN TO THE DEPARTMENT CHARGED WITH A FELONY NARCOTICS OFFENSES, WITH INTENT TO DEFRAUD, OMITTED TO MAKE A TRUE ENTRY IN THE BUSINESS RECORDS OF AN ENTERPRISE IN VIOLATION OF A DUTY TO DO SO WHICH HE KNEW TO BE IMPOSED UPON HIM BY LAW OR BY THE NATURE OF HIS POSITION, IN THAT SAID MOS PREPARED SEVEN (7) OFFICIAL DEPARTMENT PROPERTY CLERK INVOICES RELATED TO SAID ARREST CONTAINING STATEMENTS AND ALLEGATIONS HE KNEW TO BE FALSE.
3. MOS, HAVING BEEN ASSIGNED THE ARREST OF AN INDIVIDUAL KNOWN TO THE DEPARTMENT CHARGED WITH FELONY NARCOTICS OFFENSES, WITH INTENT TO DEFRAUD, OMITTED TO MAKE A TRUE ENTRY IN THE BUSINESS RECORDS OF AN ENTERPRISE IN VIOLATION OF A DUTY TO DO SO WHICH HE KNEW TO BE IMPOSED UPON HIM BY LAW OR BY THE NATURE OF HIS POSITION, IN THAT SAID MOS MADE ENTRIES IN HIS OFFICIAL DEPARTMENT ACTIVITY LOG RELATED TO SAID ARREST CONTAINING STATEMENTS AND ALLEGATIONS HE KNEW TO BE FALSE.
4. MOS, HAVING BEEN ASSIGNED THE ARREST OF AN INDIVIDUAL KNOWN TO THE DEPARTMENT CHARGED WITH FELONY NARCOTICS OFFENSES, KNOWING THAT A WRITTEN INSTRUMENT CONTAINED A FALSE STATEMENT OR FALSE INFORMATION, AND WITH INTENT TO DEFRAUD THE STATE OR ANY POLITICAL SUBDIVISION, PUBLIC AUTHORITY, OR PUBLIC BENEFIT CORPORATION WITH THE KNOWLEDGE OR BELIEF THAT IT WILL BE FILED WITH, REGISTERED OR RECORDED, IN THAT SAID MOS SIGNED A CRIMINAL COURT COMPLAINT PREPARED BY AN ASSISTANT DISTRICT ATTORNEY TO BE FILED WITH THE NEW YORK STATE COURTS CONTAINING STATEMENTS AND ALLEGATIONS HE KNEW TO BE FALSE RELATED TO SAID ARREST.
5. MOS, HAVING BEEN ASSIGNED THE ARREST OF AN INDIVIDUAL KNOWN TO THE DEPARTMENT CHARGED WITH FELONY NARCOTICS OFFENSES, KNOWINGLY MADE A FALSE STATEMENT, WHICH HE DID NOT BELIEVE TO BE TRUE, IN A WRITTEN INSTRUMENT BEARING A LEGALLY AUTHORIZED FORM NOTICE TO THE EFFECT THAT FALSE STATEMENTS MADE THEREIN ARE PUNISHABLE, IN THAT SAID MOS SIGNED A CRIMINAL COURT COMPLAINT PREPARED BY AN ASSISTANT DISTRICT ATTORNEY TO BE FILED WITH THE NEW YORK STATE COURTS CONTAINING STATEMENTS AND ALLEGATIONS HE KNEW TO BE FALSE RELATED TO SAID ARREST.

PENALTY: 1-YEAR DISMISSAL PROBATION AND FORFEITURE OF THIRTY (30) VACATION DAYS.

**Disclosure # 4:**

MOS ENTERED A PLEA OF GUILTY TO THE FOLLOWING DISCIPLINARY CHARGES ARISING OUT OF AN INCIDENT ON 09/19/2014 AT APPROXIMATELY 9:40 HOURS, WHILE MOS WAS ASSIGNED TO THE WARRANTS SECTION AND ON DUTY AT AN APARTMENT IN NEW YORK COUNTY:

ALLEGATIONS:

1. MOS ENGAGED IN CONDUCT PREJUDICIAL TO THE GOOD ORDER, EFFICIENCY, OR DISCIPLINE OF THE NEW YORK CITY POLICE DEPARTMENT, IN THAT HE ENTERED SAID APARTMENT WITHOUT SUFFICIENT LEGAL AUTHORITY.
2. MOS ENGAGED IN CONDUCT PREJUDICIAL TO THE GOOD ORDER, EFFICIENCY, OR DISCIPLINE OF THE NEW YORK CITY POLICE DEPARTMENT, IN THAT HE PARTICIPATED IN THE SEARCH OF SAID APARTMENT WITHOUT SUFFICIENT LEGAL AUTHORITY.

PENALTY: FORFEITURE OF FIVE (5) VACATION DAYS.

**Disclosure # 5:**

THE NYPD SUBSTANTIATED THE FOLLOWING ALLEGATION DATED 3-1-19 AGAINST MOS PENA:

ALLEGATION : 1. OTHER DEPT RULES/PROCEDURES VIOLATION – FAILED TO NOTIFY AND CONFER WITH A DESIGNEE PRIOR TO HANDCUFFING/RESTRAINING

CLOSED DATE : 2019-11-12

ACTION TAKEN : SCHEDULE A COMMAND DISCIPLINE

Eric Gonzalez  
District Attorney  
Kings County